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8  
9 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

10  
11 TERESITA GONZALES, an individual;  
12 Plaintiff,

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, an Illinois  
15 Company; DOES I through X; and ROE  
CORPORATIONS XI through XX,  
16 Defendants.

CASE NO.: 2:15-cv-00428-GMN-CWH

**STIPULATION AND ORDER FOR  
PRIVATE BINDING ARBITRATION AND  
TO STAY COURT PROCEEDINGS**

17  
18 Plaintiff TERESITA GONZALES ("Plaintiff") and Defendant STATE FARM  
19 MUTUAL AUTOMOBILE INSURANCE COMPANY ("State Farm" or "Defendant"), by and  
20 through their counsel of record, hereby stipulate as follows:

21 1. Plaintiff's First Cause of Action for Breach of Contract, which is the only  
22 remaining cause of action, shall be resolved through binding arbitration in accordance  
23 with the terms of an Arbitration Agreement entered into by the parties.

24 2. Plaintiff's claims for extra-contractual damages (i.e., for Bad Faith and  
25 Unfair Claim Practices) and punitive damages will not be a part of the binding arbitration  
26 as Plaintiff's claims for extra-contractual damages and punitive damages were summarily  
27 disposed of on April 22, 2016, pursuant to the Court's Order granting State Farm's Motion  
28 for Partial Summary Judgment.

1           3.     The Arbitration shall be conducted at a time, date and location that is  
2 agreeable to the Parties and the Arbitrator.

3           4.     Pending the completion of the arbitration hearing, this matter shall be  
4 stayed.

5           5.     The parties expressly waive any right to trial by a judge or jury.

6           6.     The parties expressly waive any right to appeal from the Arbitrator's award  
7 or any order made by the Arbitrator.

8           7.     The award of the Arbitrator shall constitute a final determination of the First  
9 Cause of action contained in Plaintiff's Complaint (i.e., Plaintiff's claim for underinsured  
10 motorist benefits under the State Farm policy).

11          8.     Pursuant to the terms of the Arbitration Agreement, the Parties will, upon  
12 conclusion of the Binding Arbitration, stipulate to dismissal of this action, with prejudice,  
13 reserving the right to this Court the authority to enforce the Agreement.

14          9.     Pursuant to the terms of the Arbitration Agreement, the Arbitrator cannot  
15 award costs, interest, or attorneys' fees and the parties will bear their own attorneys' fees  
16 and costs.

17          10.    The Arbitrator's fees shall be borne equally by the Parties as a non-  
18 recoverable item of costs.

19 DATED this 13<sup>th</sup> day of July, 2016.

DATED this 13<sup>th</sup> day of July, 2016.

LEWIS BRISBOIS BISGAARD & SMITH LLP

21           /s/ James W. Kwon

/s/ Danielle C. Miller

22 By \_\_\_\_\_

By \_\_\_\_\_

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Mutual Automobile Insurance Company*

ORDER

IT IS SO ORDERED.

DATED this 18 day of July, 2016.

  
UNITED STATES DISTRICT JUDGE

Respectfully Submitted by:

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Danielle C. Miller

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